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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,171	09/25/2000	Ahti Muonen	781.378USW1	3013
32294	7590	06/30/2004	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			CONTEE, JOY KIMBERLY	
		ART UNIT	PAPER NUMBER	
		2686	12	
DATE MAILED: 06/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/669,171	MUHONEN, AHTI	
	Examiner Joy K Contee	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 March 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1-7, 12-18 is/are allowed.
 6) Claim(s) 8-11 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Response, filed March 16, 2004, with respect to the rejection(s) of claim(s) 1-3,5,6 and 15-18 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, the rejection of claims 8-11 using Sasuta has been maintained. In response to applicant's arguments, the recitation "for transmitting a point-to-multipoint service" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Sasuta et al. (Sasuta), U.S. Patent No. 5,862,490.

Regarding claim 8, Sasuta discloses a method for transmitting a point to multipoint service of a mobile communication system to a destination area of the service, at least part of the destination area being outside the service area of a first service center, the first service center receiving a service request from a service provider, characterized by the method comprising the steps of-

setting up a connection from the first service center (i.e., reads on first service provider) to a second service center (i.e., reads on second service provider) (col. 2, line 57 to col. 3, line 16);

maintaining information (i.e., reads on affiliation list stored in a distributed fashion) about the address of the second service center and its service area at the first service center (col. 3, lines 45-54);

receiving the service request indicating the destination area (i.e., reads on service provider that accommodates service) at the first service center (col. 6, lines 35-37);

checking (i.e., reads on selecting from list of available service providers) at the first service center whether at least part of the destination area is within the service area of the second service center (col. 4, lines 43-53); and

if yes, forwarding the service request to the second service center (col. 6, lines 51-59).

Regarding claim 9, Sasuta discloses a method according to claim 8, characterized in that, when at least part of the destination area is within the service area of the second service centre, the method further comprises the steps of –

setting the part of the destination area (i.e., reads on list of available service providers accommodating the requested service) which is within the service area of the second service center as the destination area of the service request received at the first center, and forwarding the service request to the second service center (col. 6,lines 51-59).

Regarding claim 10, Sasuta discloses a method according to claim 8, characterized in that at least part of the service area of the second service center is within the service area of the first center, the common service area being referred to as a transferable service area (i.e., available service provider accommodating service), and the method further comprising the steps of comparing the load of the first service center with the load of the second service center; determining a threshold value for the difference between the loads; and when the load difference between the service centers reaches the threshold value (i.e., inherent for determining provider with optimal performance metric) (see col. 5, lines 54-67), determining the transferable service area to belong within the service area of the service center with a smaller load (i.e., reads on selecting the service provider based on resource usage and/or resource availability) (col. 4, line 55 to col.5, line 4 and lines 54-67).

Regarding claim 11, Sasuta discloses a method according to claim 8, characterized in that the destination area (i.e., reads on service provider which is

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inherently located in a communication "cell") of the service request received by the first service center is indicated as a list of cells (i.e., inherent that affiliation list would include cell site info. in identification) (col. 3,lines 45-55).

Allowable Subject Matter

4. Claims 1-7 and 12-18 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 703-308-

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0149. The examiner can normally be reached on M (alternating), T & Th, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J Contee
Joy Contee

January 23, 2004

CHARLES APPIAH
PRIMARY EXAMINER